

---

# A BILL FOR AN ACT

RELATING TO REAL ESTATE SELLER DISCLOSURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to clarify that the  
2 required disclosure of documents by a seller for residential  
3 real property that is subject to restrictions or conditions on  
4 use applies to documents relating to restrictions or conditions  
5 in a manner consistent with and subject to the seller's duty of  
6 good faith as provided for under section 508D-9, Hawaii Revised  
7 Statutes.

8           SECTION 2. Section 508D-3.5, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10           "(b) If the residential real property is otherwise subject  
11 to restrictions or conditions on use, either because of  
12 covenants contained in the deed for the property or because of  
13 another recorded document, the disclosure shall also include all  
14 documentation relating to any restrictions or conditions,  
15 including but not limited to any unrecorded rules or guidelines  
16 that may have been issued by any entity responsible for  
17 enforcing those restrictions or guidelines[-] in a manner



1 consistent with and subject to the seller's duty of good faith  
2 as provided for under section 508D-9."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on November 1, 2015.

6



**Report Title:**

Real Estate; Seller Disclosure Requirements; Required Documentation; Restrictions or Conditions on Use; Good Faith

**Description:**

Clarifies that the required disclosure of documents by a seller for residential real property that is subject to restrictions or conditions on use applies to documents relating to restrictions or conditions subject to section 508D-9, Hawaii Revised Statutes. Takes effect 11/1/2015. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

